



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)NO.13151 OF 2021

and

W.M.P(MD)Nos.10159 and 10161 of 2021

M/s.K.S.M.Educational Trust,
represented by its Managing Trustee,
M.Subramanian.

:Petitioner

.vs.

1.The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

2.The Authorized Officer,
Bank Of Baroda,
ZOSAR Branch,
1st Floor, 74, Theayaraya Road,
T.Nagar, Chennai- 600 0017.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in I.A.No.909 of 2021 in I.A.No.609 of 2021 in S.A.No.167 of 2021, on the file of the first respondent, dated 15.7.2021 and quash the same and consequently grant further time to comply with the payment of the second and third installments as per the order dated 30.3.2021 made in the impugned order in I.A.No.609 of 2021 in S.A.No.167 of 2021, on the file of the first respondent.

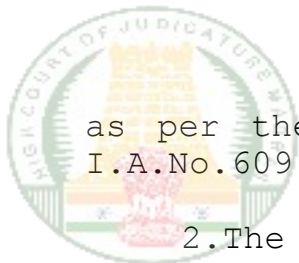
For Petitioner :Mr.B.Mohankumar
for M/s.Arun Murugan

For Respondent-2 :Mr.Pala Ramasamy

O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed in I.A.No.909 of 2021 in I.A.No.609 of 2021 in S.A.No.167 of 2021, on the file of the first respondent, dated 15.07.2021 and quash the same and consequently grant further time to comply with the payment of the second and third installments



as per the order, dated 30.3.2021 made in the impugned order in I.A.No.609 of 2021 in S.A.No.167 of 2021.

2.The Petitioner, who is running an Engineering College, challenges the order, dated 15.7.2021, by which, the Petitioner's prayer for extension of time to comply with the conditions imposed in granting the order of stay of sale notice, has been rejected. The conditional order that was passed by the Debts Recovery Tribunal, Madurai on 30.3.2021 required the Petitioner to pay a sum Rs.1,49,71,000/- per instalment in three tranches by April 29,2021, May 29,2021 and June 28, 2021.

3.This Court, by order, dated 30.7.2021, while granting an order of interim stay of the impugned order, dated 15.7.2021, directed the Petitioner to pay the second instalment due in terms of the order, dated 30.3.2021 on or before 2.8.2021 and the third instalment was directed to be paid by August 11, 2021.

4.When the Writ Petition is taken up for hearing today, Mr.B.Mohan Kumar, learned counsel appearing for the Petitioner and Mr.Pala Ramasamy, learned counsel appearing for the second respondent/Bank submitted that the Petitioner had complied with the orders of this Court, dated 30.7.2021 by paying three instalments, as stated in the order.

5.Mr.Pala Ramasamy, learned counsel appearing for the second respondent/Bank submitted that a direction may be given to the Debts Recovery Tribunal, Madurai to dispose of the SARFAESI Appeal in S.A.No.167 of 2021 as expeditiously as possible for the reason that huge amounts are due from the Petitioner.

6.In view of the submissions made by the learned counsel appearing on either side, since the Petitioner had paid all the three instalments as directed by the Debt Recovery Tribunal, Madurai, the Writ Petition is liable to be closed and accordingly, the same stands closed. We direct the Debts Recovery Tribunal, Madurai to dispose of the SARFAESI Appeal in S.A.No.167 of 2021 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

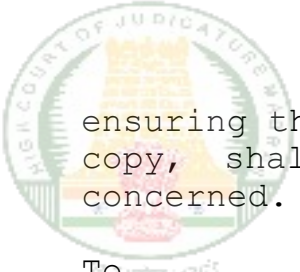
Sub Assistant Registrar(CS)

vsn

Note :

<https://hcservices.ecourts.gov.in/hcservices/>

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but,



ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To கனம் உரிமையாளர்

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1.The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

+1 CC to M/s.M.ARUN MURUGAN, Advocate (SR-26253[F] dated 13/08/2021)

W.P(MD)NO.13151 OF 2021

and

W.M.P(MD)Nos.10159 and

10161 of 2021

12.08.2021

RD(25.08.2021) 3P 3C